



2015 SESSION

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[Signed by Chairman]

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***Any other documents, which were submitted after the committee hearing has ended and/or was submitted late [within 48 hours], regarding information in the committee hearing.**

***Witness Statements that were not presented as exhibits.**

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BUSINESS REPORT

**MONTANA SENATE
64th LEGISLATURE - REGULAR SESSION**

SENATE NATURAL RESOURCES COMMITTEE

Date: Friday, February 13, 2015
Place: Capitol

Time: 3:00 PM
Room: 303

BILLS and RESOLUTIONS HEARD:

SB 273 - Revise soil and conservation district laws - Sen. Jennifer Fielder

EXECUTIVE ACTION TAKEN:

SB 112 - Do Pass as Amended
SB 136 - Do Pass as Amended
SB 256 - Do Pass
SB 268 - Be Tabled

Comments:



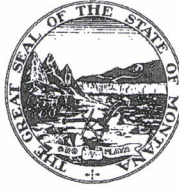
SEN. Chas Vincent, Chair

This is roll call for Senate Natural Resources
February 13th 2015

MONTANA STATE SENATE
Roll Call
NATURAL RESOURCES COMMITTEE

DATE: Feb 13th 2015

| <u>NAME</u> | <u>PRESENT</u> | <u>ABSENT/ EXCUSED</u> |
|---------------------------------|----------------|----------------------------|
| SENATOR RICK RIPLEY, VICE CHAIR | X | |
| SENATOR CHRISTINE KAUFMANN | | X |
| SENATOR DUANE ANKNEY | X | |
| SENATOR JOHN BRENDEN | X | |
| SENATOR PAT CONNELL | X | |
| SENATOR JENNIFER FIELDER | X | |
| SENATOR BRADLEY MAXON HAMLETT | X | |
| SENATOR BRIAN HOVEN | X | |
| SENATOR JIM KEANE | | X |
| SENATOR CLIFF LARSEN | X | |
| SENATOR MIKE PHILLIPS | X | |
| SENATOR CHAS VINCENT, CHAIR | X | |
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SENATE STANDING COMMITTEE REPORT

February 13, 2015

Page 1 of 3

Madame President:

We, your committee on **Natural Resources** report that **Senate Bill 112** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in cursive script, appearing to read "Chas Vincent".

Senator Chas Vincent, Chair

And, that such amendments read:

1. Title, page 1, line 7.

Strike: "AND PENALTIES FOR MISSING DEADLINES"

Insert: "; ALLOWING AN APPLICANT TO PROVIDE FUNDING FOR TMDL DEVELOPMENT UNDER CERTAIN CIRCUMSTANCES; ALLOWING FOR A HEARING BEFORE THE BOARD OF ENVIRONMENTAL REVIEW"

2. Page 3, line 15 through line 30.

Strike: subsection (9) in its entirety

Insert:

"(9)(a) When the department receives an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for that water body or segment, the department shall:

(i) within 30 days of the department's receipt of the application, initiate the development of a TMDL on the water body or segment; and

(ii) except as provided in subsection (9)(b), within 180 days of the department's receipt of the application, complete development of the TMDL pursuant to 75-5-703.

(b) If the department is not able to complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall, within 30 days of the department's receipt of the application, specify in writing to the applicant why the

Committee Vote:

Yes 11, No 1

Fiscal Note Required X

department is not able to complete development of a TMDL in accordance with subsection (9)(a)(ii). The department and the applicant shall make reasonable efforts to mutually agree in writing to a timeframe in which the department shall complete development of the TMDL. If the department specifies a lack of resources as a reason why the department cannot complete development of the TMDL in accordance with subsection (9)(a)(ii), the department shall clearly explain in its written specification what resources are not available, why those resources are not available, and when those resources will be available.

(c) If the department and the applicant cannot mutually agree to a timeframe in accordance with subsection (9)(b), the department shall, within 60 days of the department's receipt of the application, specify in writing to the applicant the timeframe in which the TMDL will be completed by the department and the reasons why that timeframe is appropriate. If the department specifies a lack of resources as a reason why the department's timeframe is appropriate, the department may request the applicant provide funding for the development of the TMDL in order to accelerate the completion of the TMDL.

(d) The applicant may, within 15 days of the department's written specification provided in accordance with subsection (9)(c), request in writing a hearing before the board for the purpose of petitioning the board to reverse or modify the department's decision. The contested case provisions of the Montana Administrative Procedure Act, Title 2, chapter 4, part 6, apply to a hearing before the board under this subsection. If the parties to the contested case waive a formal proceeding pursuant to 2-4-603, the informal proceeding must be conducted within 30 days after the board's receipt of written request. After the hearing and in a reasonable time, the board shall affirm, modify, or reverse the action of the department, and the board shall make findings and conclusions that explain its decision. Pending the board's decision, the department shall develop the TMDL in accordance with the timeframe specified in subsection (9)(a)(ii).

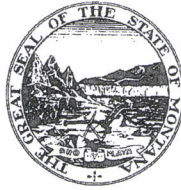
(e) The department may not declare an application incomplete or deficient because a TMDL has not been prepared.

(f) If on [the effective date of this act], an application for a new individual permit to discharge into a surface water body or a segment of a surface water body pursuant to 75-5-401 is pending, the surface water body or segment of a surface water body has been listed pursuant to subsection (2) of this section, the discharge would contain a pollutant for which the water body or segment is threatened or impaired, and a TMDL has not been developed for the water body or segment, the department shall, except as provided in subsection (9)(g), complete a TMDL for the water body or segment within 180 days of [the effective date of this act].

(g) If the department is not able to complete development of the TMDL within 180 days of [the effective date of this act] pursuant to subsection (9)(f), then the timeframes established in

accordance with subsections (9)(b), (9)(c), and (9)(d) apply to the application, but the timeframes are measured from [the effective date of this act], not from the date the department receives an application."

- END -



SENATE STANDING COMMITTEE REPORT

February 13, 2015

Page 1 of 1

Madame President:

We, your committee on Natural Resources report that **Senate Bill 136** (first reading copy -- white) **do pass as amended.**

Signed: _____

A handwritten signature in cursive script, reading "Chas Vincent", is written over a horizontal line.

Senator Chas Vincent, Chair

And, that such amendments read:

1. Page 2, line 16.

Following: "means"

Insert: ", for the purposes of fee assessment only,"

Strike: "solid and"

2. Page 3, line 24.

Following: "\$25,000"

Insert: "annually"

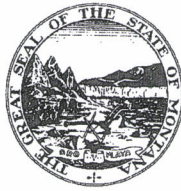
- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required X

SB0136001SC.spt



SENATE STANDING COMMITTEE REPORT

February 13, 2015

Page 1 of 1

Madame President:

We, your committee on **Natural Resources** report that **Senate Bill 256** (first reading copy -- white) **do pass**.

Signed: _____

A handwritten signature in cursive script, reading "Chas Vincent".

Senator Chas Vincent, Chair

- END -

Committee Vote:

Yes 12, No 0

Fiscal Note Required ☐

SB0256001SC.spt

BILL TABLED NOTICE

SENATE NATURAL RESOURCES COMMITTEE

The **SENATE NATURAL RESOURCES COMMITTEE** TABLED

SB 268 - Revise laws related to storm drainage sumps - Sen. Diane Sands

by motion, on **Friday, February 13, 2015** (PLEASE USE THIS ACTION DATE IN LAWS BILL STATUS).

T.F.

(For the Committee)

Palmisano

(For the Secretary of the Senate)

3:50 / 2/16
(Time) (Date)

February 16, 2015 (1:40pm)

Taylor Fridrich, Secretary

Phone: 444-4889

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/13/2015 BILL NO SB 112 MOTION NO. _____
 MOTION: Do Pass as Amended

| <u>NAME</u> | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------------------|------------|-----------|--|
| SENATOR RICK RIPLEY, VICE CHAIR | X | | |
| SENATOR CHRISTINE KAUFMANN | | X | |
| SENATOR DUANE ANKNEY | X | | |
| SENATOR JOHN BRENDEN | X | | |
| SENATOR PAT CONNELL | X | | |
| SENATOR JENNIFER FIELDER | X | | |
| SENATOR BRADLEY MAXON HAMLETT | X | | |
| SENATOR BRIAN HOVEN | X | | |
| SENATOR JIM KEANE | X | | |
| SENATOR CLIFF LARSEN | X | | |
| SENATOR MIKE PHILLIPS | X | | |
| SENATOR CHAS VINCENT, CHAIR | X | | |
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11)

MONTANA STATE SENATE
Roll Call Vote
NATURAL RESOURCES COMMITTEE

DATE 2/13/2015 BILL NO SB ²⁶⁸ ~~266~~ MOTION NO. _____
 MOTION: Do pass as amended

| <u>NAME</u> | AYE | NO | If Proxy Vote, check here & include signed Proxy Form with minutes |
|---------------------------------|------------|-----------|--|
| SENATOR RICK RIPLEY, VICE CHAIR | | X | |
| SENATOR CHRISTINE KAUFMANN | X | | |
| SENATOR DUANE ANKNEY | | X | |
| SENATOR JOHN BRENDEN | | X | |
| SENATOR PAT CONNELL | | X | |
| SENATOR JENNIFER FIELDER | | X | |
| SENATOR BRADLEY MAXON HAMLETT | X | | |
| SENATOR BRIAN HOVEN | | X | |
| SENATOR JIM KEANE | X | | |
| SENATOR CLIFF LARSEN | X | | |
| SENATOR MIKE PHILLIPS | X | | |
| SENATOR CHAS VINCENT, CHAIR | | X | |
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SENATE NATURAL RESOURCES COMMITTEE

Sponsor: **Sen. Jennifer Fielder**

[illegible]

Please leave prepared testimony with Secretary. Witness Statement forms are available if you care to submit written testimony.